IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.853 OF 2005
IN
WRIT PETITION NO.7203 OF 1998
WITH
WRIT PETITION NO.7203 OF 1998

Shri Krishna Ranaji Kamble & Ors. .. Petitioners.
Vs.
Shri Dattatraya Bhimrao
Magalekar & Others .. Respondents.

Mr.N.J.Patil for the petitioners.
Mr.P.D.Dalvi i/b V.B.Rajure for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 18TH AUGUST, 2006

P.C.:

. Heard learned counsel for the applicants and respondents.

2. The writ petition was admitted on 15.3.1999 and while issuing Rule, interim relief in terms of prayer clause (c) was granted and the said interim relief operates till today. Prayer clause (c) read thus:

> "(c) that pending the hearing and final disposal of this petition, the execution and operation of the impugned judgment and order passed by the Secretary & Officer on Special Duty (Appeals) Revenue & Forest Department, Mantralaya, Mumbai on 18th November, 1998 annexed at Exhibit "C" hereto be kindly ordered to be stayed".

3. By consent of the parties writ petition

No.7203 of 1998 itself is taken up for final hearing. The learned counsel for the parties have agreed for the following order and fairly stated that I need not record reasons for the same:

. Rule on the writ petition is made absolute in terms of prayer clause (c) subject to outcome of Regular Civil Suit No.175/1997 and Regular Civil Suit No.176/1997 pending before the Civil Judge, Junior Division, Jaysingpur, District Kolhapur. It is open for the parties to approach the Revenue authorities afresh after both the suits are disposed of for effecting necessary changes in the record of rights on the basis of the judgments in the civil suits.

. With these observations the Rule stands disposed of. In view of the disposal of the petition, the civil application also stands disposed of as infructuous. The Civil Court to decide the suits on merits in accordance with law and uninfluenced by the observations made in these proceedings.

(D.B.Bhosale, J.)